

ESTTA Tracking number: **ESTTA712816**

Filing date: **12/04/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200832
Party	Defendant Honda Giken Kogyo Kabushiki Kaisha (Honda Motor Co., Ltd.)
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Signature	/Shira Hoffman/
Date	12/04/2015
Attachments	NOR 2 Public.pdf(13330 bytes) B Confidential Exhibit.pdf(5668 bytes) B1 Ex. 67.pdf(140757 bytes) B2 Ex. 96.pdf(272756 bytes) B3 Confidential Exhibit.pdf(5681 bytes) B4 Ex 123.pdf(5660335 bytes) B5 Ex 124.pdf(4209268 bytes) B6 Confidential Exhibit.pdf(5681 bytes) B7 Confidential Exhibit.pdf(5681 bytes) B8 Confidential Exhibit.pdf(5681 bytes) B9 Confidential Exhibit.pdf(5681 bytes) B10 Ex 170.pdf(3955750 bytes) B11 Confidential Exhibit.pdf(5711 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

BRIGGS & STRATTON CORPORATION and
KOHLER CO.,

Opposers,

v.

HONDA GIKEN KOGYO KABUSHIKI
KAISHA,

Applicant.

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)
)
) Opposition No. 91200832 (parent)
)
) Opposition No. 91200146
)
) Application Serial No. 78924545
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APPLICANT’S CORRECTED SECOND NOTICE OF RELIANCE
(PUBLIC VERSION – REDACTED)

On September 14, 2015, Applicant Honda Giken Kogyo Kabushiki Kaisha (“Honda”) submitted its Second Notice of Reliance. Honda subsequently determined that this Notice of Reliance inadvertently mislabeled Applicant’s Trial Exhibit B2 and B3. For the Board’s convenience, Honda therefore submits the foregoing Corrected Second Notice of Reliance.

Pursuant to 37 C.F.R. § 2.120(j)(2), Applicant Honda Giken Kogyo Kabushiki Kaisha (“Honda”) submits, and gives notice of its reliance on, the discovery deposition of Manuel Rumao. Mr. Rumao is an employee of Opposer Kohler Co. (“Kohler”). The parties have stipulated to the admission of excerpts of Mr. Rumao’s discovery deposition and exhibits thereto. *See* Dkt. No. 140.

Attached hereto are the excerpts of Mr. Rumao’s deposition transcript and accompanying exhibits identified below at the specified Trial Exhibit Numbers.

Description	Applicant Trial Exhibit No.
Excerpts of March 28, 2014 Discovery Deposition of Manuel Rumao:	B

5:14-17 11:4-8 16:4-8 19:18-20:5 20:14-25 21:13-22 25:5-23 28:14-29:9 30:5-32:7 33:2-8 38:5-11 42:16-43:18 73:15-75:19 76:5-77:6 101:14-103:12 104:17-105:20 106:6-16 126:7-13 132:4-21 133:11-135:4 135:25-136:6 138:19-21 147:20-160:8 161:3-166:7 169:3-170:20 171:7-173:24 177:3-12 181:4-187:14	
Exhibit 67 to Manuel Rumao's March 28, 2014 Discovery Deposition	B1
Exhibit 96 to Manuel Rumao's March 26, 2014 Discovery Deposition	B2
Exhibit 103 to Manuel Rumao's March 26, 2014 Discovery Deposition	B3
Exhibit 123 to Manuel Rumao's March 26, 2014 Discovery Deposition	B4
Exhibit 124 to Manuel Rumao's March 26, 2014 Discovery Deposition	B5
Exhibit 162 to Manuel Rumao's March 26, 2014 Discovery Deposition	B6

Exhibit 163 to Manuel Rumao's March 26, 2014 Discovery Deposition	B7
Exhibit 167 to Manuel Rumao's March 26, 2014 Discovery Deposition	B8
Exhibit 168 to Manuel Rumao's March 26, 2014 Discovery Deposition	B9
Exhibit 170 to Manuel Rumao's March 26, 2014 Discovery Deposition	B10
Exhibit 173 to Manuel Rumao's March 26, 2014 Discovery Deposition	B11

The designated portions of Mr. Rumao's deposition are relevant to the issues of non-functionality, non-genericness, secondary meaning and lack of abandonment of the applied-for mark in this proceeding. For example, Mr. Rumao testified about the Honda GX Engine's reputation in the marketplace, the differences in appearance between the applied-for mark and alternative engine designs, the relative performance and cost of the features of Honda's applied-for mark and alternative designs, and Kohler's efforts to achieve distinctive styling for its own horizontal shaft utility engines without sacrificing performance or increasing cost. Honda therefore intends to rely upon and hereby make of record the attached portions of Mr. Rumao's deposition testimony and exhibits.

Opposers designated Mr. Rumao's deposition transcript and certain exhibits "Highly Confidential - Attorneys' Eyes Only" pursuant to the protective order entered into by the parties and approved by the Board. Accordingly, Honda is simultaneously filing and serving a redacted copy of this Notice of Reliance.

Respectfully submitted,

Dated: December 4, 2015

/s/ Silena Paik

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Kabushiki Kaisha

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Second Notice of Reliance was served by first class mail, postage prepaid, this 4th day of December, 2015 upon:

Kenneth Nowakowski
Melinda Giftos
Whyte Hirschboeck Dudek S.C.
555 E. Wells Street, Suite 1900
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And

Robert N. Phillips
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Suite 1800
San Francisco, California 94105

/s/ Shira Hoffman
Shira Hoffman

Confidential

Applicant Exhibit B

Applicant Exhibit B1



Applicant Exhibit B2



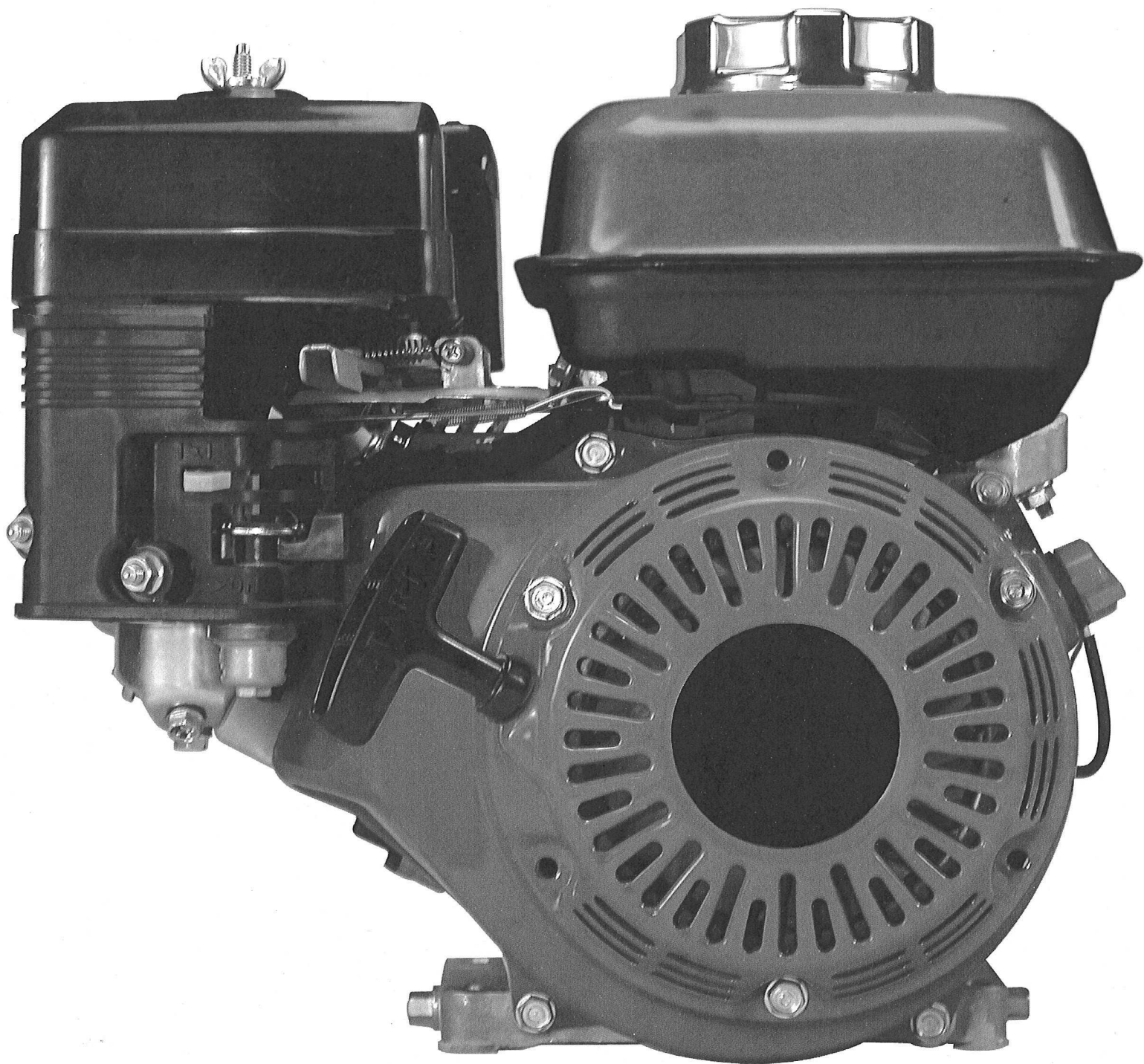
ATTORNEY'S EYES ONLY

Kohler050631

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Applicant Exhibit B3

Applicant Exhibit B4



1-012
EXHIBIT 123
3-26-14 JF

Applicant Exhibit B5



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EXHIBIT 124
3-26-14 JJ

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Applicant Exhibit B6

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Applicant Exhibit B7

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Applicant Exhibit B8

Confidential

Applicant Exhibit B9

Applicant Exhibit B10



Rumao
EXHIBIT 170
3-28-14 JJ

Confidential

Applicant Exhibit B11